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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,988	01/16/2002	Paul Trpkovski	44046.103.218	9182

22859            7590            09/03/2003

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EXAMINER
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KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/051,988	TRPKOVSKI, PAUL
	<b>Examiner</b>	<b>Art Unit</b>
	Anita M. King	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 June 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4,6,11-21,23 and 25-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 4,6,11-21 and 23 is/are allowed.

6) Claim(s) 25-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> .	6) <input type="checkbox"/> Other: _____ .

This is the second office action for application number 10/051,988, Methods and Apparatus for Manufacturing Muntin Bar Assemblies, filed on January 16, 2002.

***Information Disclosure Statement***

The U.S. Patents listed on the Information Disclosure Statement, filed on June 2, 2003, have not been considered. The cited references were previously cited on PTO Form 892 submitted with the previous office action by the examiner. A line has drawn through each citation because they constitute duplicate citations.

***Drawings***

The drawings were received on June 2, 2003. These drawings are approved.

***Cancellation of Claims***

Claims 1-3, 5, 7-10, 22, and 24 have been canceled per applicant's request in Paper No. 7 dated June 2, 2003.

***Allowable Subject Matter***

Claims 4, 6, 11-21, and 23 are allowed.

The indicated allowability of claims 25-36 is withdrawn in view of the newly discovered reference(s) to Shane. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,705,010 to Larsen in view of U.S. Patent 3,004,636 to Shane. Larsen discloses a spacer (14) for separation of panes in an insulating glass unit, comprising: a tubular member (16) comprising a wall defining a lumen (26); a mounting flange (52) comprising a first portion (50) of the wall that is doubled back upon itself; a second mounting flange comprising a second portion of the wall that is doubled upon itself; a seam formed between a first leg of the mounting flange and a second leg of the mounting flange; a plurality of granules (42) disposed within the lumen; and wherein the granules comprise a desiccant (Col. 5, line 57ff).

Larsen further discloses an adhesive (38) adhered between the mounting flanges of the spacer and glass panes (10 and 12). Larsen discloses the claimed invention except for the limitation of a plurality of mounting holes defined in the mounting flange. Shane teaches that it is known in the tubular member art to have a member comprising walls (2 and 5) having a mounting flange (3) comprising a first portion of the wall that is doubled back upon itself and a plurality of mounting holes (20) in the mounting flange for receiving bolts (Col. 3, line 35ff). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the spacer in Larsen

to have included a plurality of mounting holes in the mounting flange as taught by Shane for the purpose of providing an alternative mechanically equivalent means for attaching the spacer to the glass panes.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen combined with Shane and in further view of U.S. Patent 3,640,787 to Heller. Larsen combined with Shane disclose the claimed invention except for the limitation of the granules being clay. Heller teaches that it is known in the granules art to have a granules comprising a clay. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the granules in Larsen combined with Shane to have been clay as taught by Heller for the purpose of increasing the specific weight of the granules.

Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication DE 200 08 654 to Schmitt in view of Shane. Schmitt discloses a spacer (3) for the separation of panes in an insulating glass unit, comprising: a tubular member defining a first lumen and a second lumen (near reference number 11); a seal (@12) interposed between the first lumen and the second lumen; a plurality of granules (4) disposed within the first lumen; and wherein the granules comprise a desiccant.

Schmitt further discloses a seal (9) for attaching the spacer to panes (2). Shane teaches that it is known in the tubular member art to have a member comprising walls (2 and 5) having a mounting flange (3) comprising a first portion of the wall that is doubled back upon itself and a plurality of mounting holes (20) in the mounting flange for receiving bolts (Col. 3, line 35ff). It would have been obvious to one having ordinary

skill in the art at the time the invention was made to have modified the spacer in Schmitt to have included a plurality of mounting holes in the mounting flange as taught by Shane for the purpose of providing an alternative mechanically equivalent means for attaching the spacer to the glass panes.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt combined with Shane and in further view of Heller. Schmitt combined with Shane disclose the claimed invention except for the limitation of the granules being clay. Heller teaches that it is known in the granules art to have a granules comprising a clay. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the granules in Schmitt combined with Shane to have been clay as taught by Heller for the purpose of increasing the specific weight of the granules.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Anita M. King  
Primary Examiner  
Art Unit 3632

August 25, 2003